



**Liquor and Tobacco Advisory Board Meeting**  
**Tuesday, April 16, 2013**  
**6:00 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**LAB Members:**

Aaron Magdziarz  
Dennis Olson  
Dan Roszkowski  
Scott Sanders  
Craig Sockwell

**Absent:**

Alicia Neubauer

**Staff:**

Jennifer Cacciapaglia – City Attorney  
Todd Cagnoni – Deputy Director, Construction & Development Services  
Mark Marinaro - Fire Department  
Marcy Leach – Public Works  
Sandra Hawthorne - Administrative Assistant

**Others:**

Alderman Karen Elyea  
Kathy Berg, Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor and Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party

- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, April 29th, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:00 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the March 19, 2013 meeting as submitted. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-0 with Alicia Neubauer absent and Dennis Olson abstaining.

**012-LAB-037**

Applicant  
Ward 14

**2428 South Alpine Road**

Samir R. Rathod d/b/a Pridom Liquor

Modification to an existing liquor license for the sale of packaged liquor in conjunction with a liquor store to include the sale of liquor by the drink in conjunction with a bar and monthly beer, liquor, and wine tasting in a C-3, Commercial General District

**Laid Over from January, February and March meetings**

The subject property is located within the Alpine Village Shopping Center on the northeast corner of South Alpine Road and Harrison Avenue. This item was Laid Over from the January, February and March meetings because Staff did not have the required information from the Applicant. Attorney Tim Whitham and Samir Rathod, Applicant, were present. Attorney Whitham stated there has been a change since the original application was submitted. Those drawings were received prior to the meeting and were included in the Zoning and Planning Report.

Attorney Cacciapaglia had no questions. Mr. Sanders asked for clarification on the bathroom design. Attorney Whitman stated there is a seating area outside the restrooms. Mr. Sanders stated he personally felt liquor stores and bars should be separate entities.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

During discussion, Mr. Sanders reiterated he has a problem with liquor stores and bars being under one establishment. Mr. Sockwell felt some guidance was needed because other liquor stores could come forward for the same type of request. Mr. Sanders stated he had no issue with the Applicant himself but rather with the proposal.

A **MOTION** was made by Scott Sanders to **DENY** the Modification to an existing liquor license for the sale of packaged liquor in conjunction with a liquor store to include the sale of liquor by the drink in conjunction with a bar and monthly beer, liquor, and wine tasting in the name of Samir R. Rathod d/b/a Pridom Liquor in a C-3, Commercial General District at 2428 South Alpine Road. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 3-2 with Craig Sockwell and Aaron Magdziarz voting Nay.

**013-LTAB-005**

Applicant  
Ward 09

**3818 West Riverside Boulevard, Suite 115**

Clifford L. Sterling d/b/a BET EZ Place  
Sale of liquor by the drink with a video gaming and bar sales in a C-3,  
Commercial General Zoning District  
**Laid Over from March meeting**

This item was Laid Over from the March meeting because the Applicant was not present. The subject property is a vacant tenant space located as an out lot within the Wal-Mart shopping center. Clifford Sterling, and Michael Sterling, Applicants were present. Clifford Sterling presented his request, stating he owns Rascals and Legends Bar and Grill, and also a gaming parlor in Machesney Park for three months named BET EZ open from 6:00 am to 2:00 a.m. with zero incidence. He stated they run that facility with 5 gaming machines. At the new location they are looking at a ten foot bar, 5 bar stools and 5 gaming machines in a clean, safe environment. Photos were submitted showing the Machesney Park interior.

Attorney Cacciapaglia asked if it was their intention not to provide any security. Michael Sterling responded they are not unless required. He stated the atmosphere discourages problems and passed out photos of the interior showing it was a well-lit establishment. They do not have TV's or music, no pool tables etc. to encourage a bar setting. He explained there will be no live music or dancing. This type of gaming facility is targeted to "elderly" ages. He stated Alderman Bill Timm has visited the establishment. Mr. Cagnoni asked where the one in Machesney Park was located. The Applicants responded it was on 173, just north of McDonalds. Clifford Sterling explained the machines are wired directly to the Illinois State Police. If anyone tries to "attack" the machine it sends a direct notification to the police. There is no way to get into the kiosk or machines so is not "robber friendly". The proposed facility one for gaming for people who do not want to go to a bar.

Mr. Roszkowski asked what about the elderly woman who comes out into the parking lot at 2:00 in the morning. The Applicants stated as the evening gets later, the crowd gets a little younger. He states with the new gaming available people choose to stay in their home town rather than travel to area casinos.. Mr. Olson asked what the average winning would be and Clifford Sterling responded they could win up to \$500 per spin, but it depends on how the person bets. He further clarified that some people enjoy the act of playing the game itself rather than playing just to win. Mr. Sockwell asked if capacity was limited. Clifford explained they would probably have only 15 people in the building. The Applicants explained that there is really nothing for people to do while they are waiting for a machine to open so it would limit the number of customers. He stated the people who plays these games generally are not drinkers – they spend their money on gambling – whereas the people in the bars spend their money on drinking. The Applicants stated their space is still in the Vanilla Box stage and has not been leased as yet.

Mr. Roszkowski stated there were a lot of police calls to that area and asked for clarification. Michael Sterling stated most of those calls are for Wal-Mart parking lot area. Mr. Cagnoni verified this information.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Mr. Sockwell stated he hopes in the future City Council takes leadership on how these gaming parlors would be licensed. He felt as presented it would be hard for him to object to this application. Attorney Cacciapaglia clarified that the requirement of a gaming license is tied to a for-sale-by-the-drink liquor license or a truck stop and is State based. The Board questioned if the Applicants could open to a full bar in the future. Attorney Cacciapaglia stated they could. She stated a WB license is the common one, which is for beer and wine. This applicant is asking for a full liquor license. Mr. Olson felt he would deny this application because the location has the opportunity to become a bar. He stated with this being a new licensing, he does not know if City Council would be comfortable with gaming facilities coming up all over the City. Mr. Roszkowski stated the Board may want to look at all Applications for sale of liquor with gaming machines in regards to if they would feel comfortable with the location being a full blown bar. The Board discussed locations of bars in the area. Mr. Sanders stated he would be comfortable with approval subject to conditions similar to a previous approval for a tavern and read those to the Board. Attorney Cacciapaglia asked for an additional condition to be if they modify the business plan that they submit a security plan for staff's approval.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink with a video gaming and bar sales in the name of Clifford L. Sterling d/b/a Betties Place in a C-3, Commercial General Zoning District at 3818 West Riverside Boulevard, Suite 115 subject to 11 conditions. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 3-2 with Dennis Olson and Craig Sockwell , voting Nay

Approval is subject to the following conditions.

1. Meeting all applicable building and fire codes.
2. Compliance with all City of Rockford Liquor and tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to the interior site plan that was submitted as Exhibit E.
5. Window display signage is limited to 30% of window area.
6. The business shall not have a cover charge.
7. The business shall not have a dance floor.
8. The business shall not have any DJs
9. The business shall not have any live entertainment
10. The business shall not operate as a night club
11. If the business plan is modified submittal of a security plan for Staff review and approval is required.

**013-LTAB-007**

Applicant  
Ward 07

**2627 Auburn Street**

Tanvir S. Virk d/b/a A-33 Milestone Gas & Food Inc. #2  
Sale of tobacco products with a gas station, jewelry, convenience store in a C-3, Commercial General Zoning District

The subject property is located on the northeast corner of Evergreen and Auburn Street and is currently a gas station and convenience store. Tanvir S. Virk, Applicant, reviewed his request for the sale of tobacco products. He stated this will not be a tobacco store, but will be a gas station with tobacco sales. There is no liquor sales at this location. Mr. Virk stated this application is for the second gas station on Auburn Street that he would own.

Staff Recommendation is for Approval with 3 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of tobacco products with a gas station, jewelry, convenience store in the name of Tanvir S. Virk d/b/a A-33 Milestone Gas & Food Inc. #2 in a C-3, Commercial General Zoning District at 2627 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building, fire and liquor codes.
2. Hours are limited to Monday-Wednesday 7:00 a.m. to 11:00 p.m.; Thursday-Saturday 7:00 a.m. to midnight; and Sunday 8:00 a.m. to 10:00 p.m.
3. Inside signage cannot exceed more than 35% of the window surface and any temporary signs in violation must be removed.

**013-LTAB-008**

Applicant  
Ward 02

**2338 Charles Street**

Nabil A. Alkablory d/b/a S & N Convenience Store  
Sale of tobacco in conjunction with a convenience store in a C-3, Commercial  
General Zoning District

The subject property is located on the northwest corner of the South Rockford Avenue and Charles Street intersection and is an existing convenience store. The Applicant has obtained a new Attorney and their previous attorney, Attorney Mario Tarara, was present to request a Lay Over during the transition.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** request for the sale of tobacco in conjunction with a convenience store in the name of Nabil A. Alkablory d/b/a S & N Convenience Store in a C-3, Commercial General Zoning District at 2338 Charles Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

**013-LTAB-009**

Applicant  
Ward 12

**3445 North Main Street**

Ala Saada d/b/a La Paz Food's Inc.  
Sale of tobacco in conjunction with a grocery store in a C-2, Limited Commercial  
Zoning District

The subject property is located on the east side of North Main Street, 293 feet north of Halsted Road and is currently a grocery store. Samantha Bruce, Manager, and Ala Saada, Applicant, were present. Ms. Bruce reviewed the request for sale of tobacco. She stated this is now a convenience store and they are asking to sell tobacco as a convenience to their customers. She estimated 5% to 8% of their sales would be tobacco. Ms. Bruce explained there are 17 parking spaces currently, and this would reduce to 13 when North Main was expanded. She further stated it is their intent to acquire the adjacent two tenant spaces to put in a meat and deli market as well as produce. Tobacco will be behind the counter and employees will be trained to assure there are no sales to minors. Photos of the interior of the store and parking area were shown. She also stated they had a letter from the owner stating he had no problem with tobacco sales by the package. She also had a lease agreement for the additional spaces once the other occupants vacated. Hours of operation are from 8:00 a.m. to 8:00 p.m.

Staff Recommendation was for Denial. No Objectors or Interested Parties were present. One letter of Objection was received.

A letter from Mark & Margaret Stelma, 3428 Robey Avenue was received voicing objections to this application. Mr. & Mrs. Stelma's letter states "We do not need another business to attract more potential robberies. Why is it necessary to have the sale of tobacco and liquor so close to a business that treats addictions, "The Source" that is located on the corners of Belmont and North Main streets? There are plenty of similar places through out our neighborhood that cater to this type of clientele. The neighborhood has lost a lot of it's "home atmosphere" and property value to businesses that open and close on a regular basis. We don't need another empty store front on North Main that has closed because of the attraction for criminal activity"

Mr. Cagnoni stated there was concerned with another tobacco store and this location compared to other establishments that sell tobacco. He stated more information would want to be obtained regarding changes that would come about after the North Main corridor work should occur. Ms. Bruce stated there she did not see anything requesting landscaping on the application but are willing to provide whatever Staff requires. They are getting flower pots for the front of the store. Mr. Sanders stated the Board holds all Applicants to providing a landscaping plan so it would be required in this case as well. Mr. Cagnoni stated Staff could provide the applicant with estimated land-taking information on the North Main proposal

and could help in providing some suggestions to the Applicant on how landscaping requirements could be met.

A **MOTION** was made by Dennis Olson to **LAY OVER** the sale of tobacco in conjunction with a grocery store in the name of Ala Saada d/b/a La Paz Food's Inc in a C-2, Limited Commercial Zoning District at 3445 North Main Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-0. Attorney Cacciapaglia asked the Board to request the Applicant to contact Staff as soon as possible due to the amount of items already on the May agenda. She emphasized that the Applicant not wait until it was close to the time of the next meeting in order to provide the necessary information.

**013-LTAB-010**

Applicant  
Ward 11

**818 South 6<sup>th</sup> Street**

Sadaf Jadoon d/b/a Sunny Pantry  
Sale of tobacco products with a gas station and convenience store in a C-3,  
Commercial General Zoning District

The subject property is located on the northeast corner of 6<sup>th</sup> Street and 8<sup>th</sup> Avenue and is currently a gas station. Sadaf Jadoon, Applicant and Attorney Peter Savitski were present. Attorney Savitski reviewed the Applicant's request. He stated Ms. Jadoon also applied for a liquor license as well but the liquor license did not get processed through error. This will be heard at the May meeting. He explained the Applicant has a Master's degree in computer science. She has run operations of a gas station for approximately 4 years. This is a family enterprise and the Applicant is renting the site from a relative on a 13 year lease. There will be 3 or 4 employees in addition to herself. In addressing the Planning & Zoning Report, Attorney Savitski stated there is plenty of parking on site. The concern with counter space was addressed by clarification of the drawing. Attorney Savitski further stated he was involved in litigation of this property 3 or 4 years ago prior to knowledge of his client and presented photos showing the recent upgrade of the property. He stated the Applicant has put between \$70,000 - \$80,000 worth of improvements into the property, including a new compressor, electrical work, and structural repair. He feels there has been a great improvement to this property and feels it would be one of the better businesses in this area

Attorney Cacciapaglia asked the Applicant what other gas stations she operated in Rockford. Ms. Jadoon responded 2627 Auburn Street. Attorney Cacciapaglia further asked if Ms. Jadoon would be on site and involved in the day to day operations of management decisions of this business, to which Ms. Jadoon responded she would. Attorney Cacciapaglia then asked if there were any other managers and Ms. Jadoon responded no. Mr. Olson questioned the answer of "no" by the Applicant should the City require security. Attorney Savitski stated he felt Ms. Jadoon did not understand the question and that she is willing to provide security should the need be required.

Staff Recommendation is for Denial. No Objectors were present. One Interested Parties was present.

Alderman Karen Elyea stated she would like to see the Applicants have the opportunity to obtain a tobacco license. She stated they have worked hard to improve the property and feels their business would be an improvement to the area.

During discussion Mr. Sanders asked Staff how this application was different than the 2627 Auburn Street application previously heard with a Staff recommended of approval. Attorney Cacciapaglia responded that there was concern about the condition of the property as well as the concern that the person applying for the license will not be involved in the day to day operation. Mr. Cagnoni wished to clarify the amount of money put in to the property. He stated according to costs on permits obtained, there were only \$4,500 in actual costs put into improvements. He broke those costs down as: Electrical \$700.00; Mechanical \$3,000.00; Roof work \$700.00 roof, and exterior improvements \$250.00. He stated these figures from actual permits are not consistent with the \$70,000 - \$80,000 as presented. In response to a question from the Board, Attorney Cacciapaglia explained that any approval of a tobacco license would allow the Board to add conditions.

During Discussion, Mr. Sanders stated he felt a gas station with tobacco sales seems to go hand in hand. Mr. Olson stated he had some real issues with the discrepancy in cost of improvement between the \$70,000 - \$ 80,000 given by Attorney Savitski in comparison to the actual \$4,500 cost of improvements. Staff also felt the application was insufficient in required information as presented.

A **MOTION** was made by Dennis Olson to **LAY OVER** the sale of tobacco products with a gas station and convenience store in the name of Sadaf Jadoon d/b/a Sunny Pantry in a C-3, Commercial General Zoning District at 818 South 6<sup>th</sup> Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0.

**013-LTAB-011**

Applicant  
Ward 12

**1090 West Riverside Boulevard**

Tyler Voorhees d/b/a Lucky Lee's  
Sale of liquor by the drink in conjunction with a bar in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of Riverside Boulevard and North Main Street and is a vacant tenant space approximately 1,377 square feet within the North Towne Mall. Tyler Voorhees and, Anthony Harrolle were present to discuss their Application. Mr. Voorhees stated he is the owner of another establishment, Rockford Billiards Café, 1436 North Main Street. He is asking for a full bar with liquor, beer and wine and will have gaming machines. Mr. Voorhees stated he does not anticipate more than 15 people at most on rare instances. He explained that the money would be locked up in the gaming machines and the kiosk. The back area of the space will be remodeled for a men's and women's full restroom. Mr. Voorhees stated this business would be geared towards older clientele, in more of an office type environment. There will be a television for those waiting for a machine to open. On his application, Mr. Voorhees stated he would not hire security if requested. In response to Mr. Olson's question of would he hire security if requested, Mr. Voorhees stated he did not see any potential issues for hiring security and that he would not hire security if requested. During discussion, and further explanation of security, Mr. Olson again asked Mr. Voorhees if he would hire security if he was so requested. Mr. Voorhees would not verify that he would hire security in his response. Mr. Harrolle stated he felt Mr. Voorhees did not need to make changes for his type of clients. He stated if security was required in this business, he would not want to be in this business. The employees will not have access to money in the machine or kiosk. Mr. Voorhees stated he would provide panic buttons for employees and video cameras. Mr. Sockwell asked if there was another bar in the mall. Mr. Voorhees stated Boomers was a sports bar located in this strip mall.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present. One letter of Objection was received.

George B. Graham, Jr., 1217 Kay Avenue, not an adjacent property owner, submitted a letter of Objection. In his letter, Mr. Graham states ... "A once thriving destination Shopping Center, North Town has struggled to regain it's vitality. Part of the recovery has been due to the center attracting Gustafson's Talecris, McDonalds and several other businesses." All seeming to have a very positive effect on the area. In recent years we have seen a large Sports Bar open, we have seen a package liquor store open and we have seen a tobacco shop open for business." "I do not feel another liquor outlet in this area, and specifically this location, would contribute to the positive affect the area needs"

Mr. Sanders stated he would prefer to see a security plan submitted. Attorney Cacciapaglia explained that this area in general has been steadily deteriorating. Boomers, the existing bar, has had disruptive crowds. Boomers has shown a willingness to work with the City, however, the area overall is deteriorating. Mr. Sanders felt the information provided by the Applicant was sufficient.

Attorney Cacciapaglia told the Board that the City would never support a liquor license that does not agree to hire security.

A **MOTION** was made by Dennis Olson to **DENY** the sale of liquor by the drink in conjunction with a bar in the name of Tyler Voorhees d/b/a Lucky Lee's in a C-2, Limited Commercial Zoning District at 1090 West Riverside Boulevard. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-1 with Aaron Magdziarz voting Nay

With no further business to come before the Board, the meeting was adjourned at 7:40 PM

Respectfully submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Liquor and Tobacco Advisory Board